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ALZA CORPORATION

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED FOOD AND COMMERCIAL
WORKERS UNION AND EMPLOYERS
MIDWEST HEALTH BENEFITS FUND, on
behalf of itself and all others similarly situated,

Plaintiffs,

v.

ALZA CORPORATION, a California
Corporation,

Defendant.

CASE NO. C-06-0314 (JSW)

**STIPULATION AND [PROPOSED]
ORDER SETTING DATES FOR MOTION
TO STAY AND CASE MANAGEMENT
CONFERENCE**

Assigned to Honorable Jeffrey S. White
Case Filed: January 18, 2006

1 PLUMBERS AND PIPEFITTERS LOCAL 572
2 HEALTH AND WELFARE FUND, on behalf of
3 itself and all others similarly situated,

4 Plaintiffs,

5 v.

6 ALZA CORPORATION, a California
7 Corporation,

8 Defendant.

9 AND RELATED ACTIONS

CASE NO. C-06-1074 (JSW)

Assigned to Honorable Jeffrey S. White
Case Filed: February 15, 2006

10 On February 14, 2006, the Court entered an order relating the *United Food and Commercial*
11 *Workers Union and Employers Midwest Health Benefits Fund v. Alza Corp.*, Case No. 06-0314
12 (JSW) ("UFCW action") to two earlier-filed actions pending before Judge Jeffrey S. White (*City of*
13 *Fargo Health Trust Fund v. Alza Corp.*, C-05-4684 (JSW), and *Local 28 Sheet Metal Workers v. Alza*
14 *Corp.*, C-05-4758 (JSW) ("the Related Cases")). See Order (2/14/06), p. 1. On February 23, 2006,
15 the Court entered an order relating the *Plumbers and Pipefitters Local 572 Health and Welfare Fund*
16 *v. Alza Corp.*, Case No. 06-1074 (JSW) ("Local 572 action") to the UFCW action and the Related
17 Cases. See Order (2/23/06), p. 1. Upon reassignment, the dates scheduled for all previously filed
18 motions and the Case Management Conference ("CMC") were vacated. *Id.*; Order (2/14/06).

19 Plaintiffs in the UFCW action and the Local 572 action, and Defendant Alza Corporation
20 ("Alza"), by and through their counsel of record, have met and conferred in good faith to reschedule
21 the hearing dates in this Department for: (i) a Motion to Stay Action Pending Ruling by Multidistrict
22 Litigation Panel ("Motion to Stay"); and (ii) the CMC. Because the Motion to Stay that was
23 previously filed in the UFCW action (and expected in the Local 572 action) is identical to a motion
24 already pending in the Related Cases, the parties request that the hearing date and briefing be set to
25 coincide with the other motion in the Related Cases. Similarly, the parties request that the CMC in
26 the UFCW action and the Local 572 action be set to coincide with the CMC already scheduled in the
27 Related Cases.

28 THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:

1. Motion to Stay. Defendant Alza's previously filed Motion to Stay in the *UFCW* action and in the Related Cases shall be deemed filed and served as against Plaintiffs in the *UFCW* action and the *Local 572* action. The hearing date on the Motion to Stay shall be April 7, 2006, at 9:00 a.m. The briefing schedule for the Motion to Stay shall be reset according to the Order issued by Judge White in the Related Cases, as follows: Oppositions to the Motion to Stay shall be due on February 24, 2006, and Alza's reply shall be due on March 3, 2006.

2. Case Management Conference. The Case Management Conference in the *UFCW* action and the *Local 572* action shall be conducted on April 7, 2006, at 9:00 a.m. (following the hearing on the Motion to Stay). The joint case management statement and proposed order for the CMC shall be due on March 31, 2006.

Dated: February 23, 2006

KERSHAW, CUTTER & RATINOFF LLP

By: Mark J. Jamblyn

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WORKERS UNIONS AND EMPLOYERS
MIDWEST HEALTH BENEFITS FUND and
the Class, and PLUMBERS AND PIPEFITTERS
LOCAL 572 HEALTH AND WELFARE FUND
and the Class

Dated: February 23, 2006

GIBSON, DUNN & CRUTCHER LLP

By: Michael A. Sitzman

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ALZA CORPORATION

The hearing on the motion to stay in 06-0314 is HERBY SET for April 7, 2006 at 9:00 a.m. The Case Management Conferences in 06-0314 and 06-1074 shall be held on April 7, 2006 immediately following the hearing on the motions to stay.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February March 1, 2006

Jeffrey S. White
Honorable Jeffrey S. White
United States District Judge

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